

#3

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
5218.00

In Re Application Of:

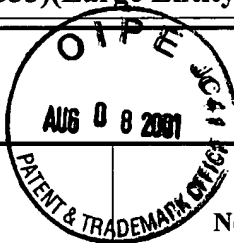
CRISTOFALO et al.

Serial No.  
09/852,229

Filing Date  
05/08/2001

Examiner  
Not Yet Assigned

Group Art Unit  
2661



Invention:

**TECHNIQUE FOR OPTIMIZING THE DELIVERY OF ADVERTISEMENTS AND OTHER PROGRAMMING  
SEGMENTS BY MAKING BANDWIDTH TRADEOFFS**

TO THE ~~COMMISSIONER~~ COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
August 1, 2001.

*Date*

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ Other (list):

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Examiner  
**Not Yet Assigned**

Group Art Unit  
**2661**

Invention:

**TECHNIQUE FOR OPTIMIZING THE DELIVERY OF ADVERTISEMENTS AND OTHER PROGRAMMING  
SEGMENTS BY MAKING BANDWIDTH TRADEOFFS**

TO THE ~~REDACTED~~ COMMISSIONER FOR PATENTS:

Box Missing Parts

☒ Completion of application fees as calculated below:

☐ Utility application filing fee

☐ Design application filing fee

☐ Total number of independent claims = \_\_\_\_\_

☐ Total number of claims = \_\_\_\_\_

☐ Multiple dependent claims

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**

☐ Petition and fee for filing by other than all the inventors or a person not the inventor

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☐ Five months

from: \_\_\_\_\_ until: \_\_\_\_\_  
Date Date

Total time extension fees \_\_\_\_\_

Total fees due **\$130.00**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.  
5218.00

In Re Application Of:

**CRISTOFALO et al.**

Serial No.  
09/852,229

Filing Date  
05/08/2001

Examiner  
Not Yet Assigned

Group Art Unit  
2661

Invention:

**TECHNIQUE FOR OPTIMIZING THE DELIVERY OF ADVERTISEMENTS AND OTHER PROGRAMMING  
SEGMENTS BY MAKING BANDWIDTH TRADEOFFS**

TO THE ~~Assistant~~ COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of \$130.00 is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 04-1415  
A duplicate copy of this sheet is enclosed.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.

  
Signature

**Brad J. Hattenbach**  
Reg. No. 42,642  
**DORSEY & WHITNEY LLP**  
Customer No. 20686

Dated: August 8, 2001

I certify that this document and fee is being deposited  
on \_\_\_\_\_ with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

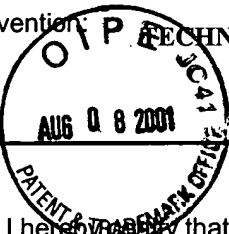
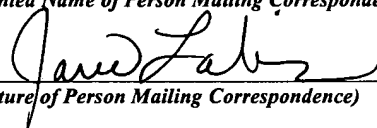
\_\_\_\_\_  
Signature of Person Mailing Correspondence

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Correspondence

cc: Scott W. Doyle, Esq., ACTV, Inc., Denver

08-09-01

Sector #

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b> Applicant(s): <b>CRISTOFALO et al.</b>			Docket No. <b>5218.00</b>
Serial No. <b>09/852,229</b>	Filing Date <b>May 8, 2001</b>	Examiner <b>Not Yet Assigned</b>	Group Art Unit <b>2661</b>
Invention: <b>TECHNIQUE FOR OPTIMIZING THE DELIVERY OF ADVERTISEMENTS AND OTHER PROGRAMMING SEGMENTS BY MAKING BANDWIDTH TRADEOFFS</b>			
			
I hereby certify that the following correspondence: <div style="border: 1px solid black; padding: 5px;"><b>Response to Notice to File Missing Parts of Application Filing Date Granted (Large Entity); a copy of the Notice to File Missing Parts of Application - Filing Date Granted; an executed Declaration and Power of Attorney for Patent Application; a Check for \$130.00; Return Acknowledgement Postcard and this Certificate of Mailing by "Express Mail"</b></div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The <b>Commissioner for Patents</b>, Washington, D.C. 20231 on <u>August 8, 2001.</u> <i>(Date)</i></p> <div style="text-align: right;"><u><b>Jane Lalis/DORSEY &amp; WHITNEY LLP</b></u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i>  <i>(Signature of Person Mailing Correspondence)</i> <u><b>EL 809 715 721 US</b></u> <i>("Express Mail" Mailing Label Number)</i></div>			

**Note: Each paper must have its own certificate of mailing.**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/852,229	05/08/2001	Michael Cristofalo	5218.00

20686  
DORSEY & WHITNEY, LLP  
SUITE 4700  
370 SEVENTEENTH STREET  
DENVER, CO 80202-5647



CONFIRMATION NO. 4955

## FORMALITIES LETTER



\*OC000000006370054\*

Date Mailed: 08/01/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

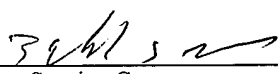
FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/13/2001 BSAYASI1 00000009 09852229

01 FC:105

130.00 OP